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Docket No.: 1454.1255

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Wolfgang FRAAS et al.

Serial No. 09/117,799

Group Art Unit: 2662

Confirmation No. 4083

Filed: August 6, 1998

Examiner: TSEGAYE, S

For: DIGITAL SIGNAL TRANSMISSION SYSTEM

**RESPONSE**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed December 19, 2002, and having a period for response set to expire on March 19, 2003.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

**REMARKS**

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,638,365 to Duault et al. in view of U.S. Patent No. 5,590,132 to Ishibashi et al.

Duault et al. is directed to transmitting constant bit rate data such as voice and video traffic in a packet switched network using ATM. Specifically, Duault et al. is directed to allowing the bit rate of constant bit rate traffic to vary. To address this concern, Duault et al. proposes continually transmitting a change indicator from a source to a destination. When the change indicator reflects a variance in the bit rate, the destination modifies the value of the change indicator, and then the varied bit rate is used.

The Examiner places particular importance in the paragraph at column 5, lines 46-57. This paragraph indicates that TDM data is multiplexed into channels in an ATM connection. Each channel is associated with a specific call.

The Examiner admits that Duault et al. does not disclose an ATM network used as a

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